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**COMPREHENSIVE APPROACH TO THE PROBLEM RELATED TO JUVENILE AND YOUNG ADOLESCENT
OFFENDERS: JUDICIAL, HEALTH, AND SOCIAL REINTEGRATION RESPONSES**

Comprehensive approach to the Problem Related to Juvenile and Young Adolescent Offenders: judicial, health, and social reintegration responses



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November 11, 2015

I. Crime and adolescents

There are three basic types criminogenic factors:

Physical.

Psychological.

Social.

What is “criminal policy”

A comprehensive policy that attacks risk factors and promotes “protective factors.” We will only be able to do this in the three environments in which adolescents normally develop:

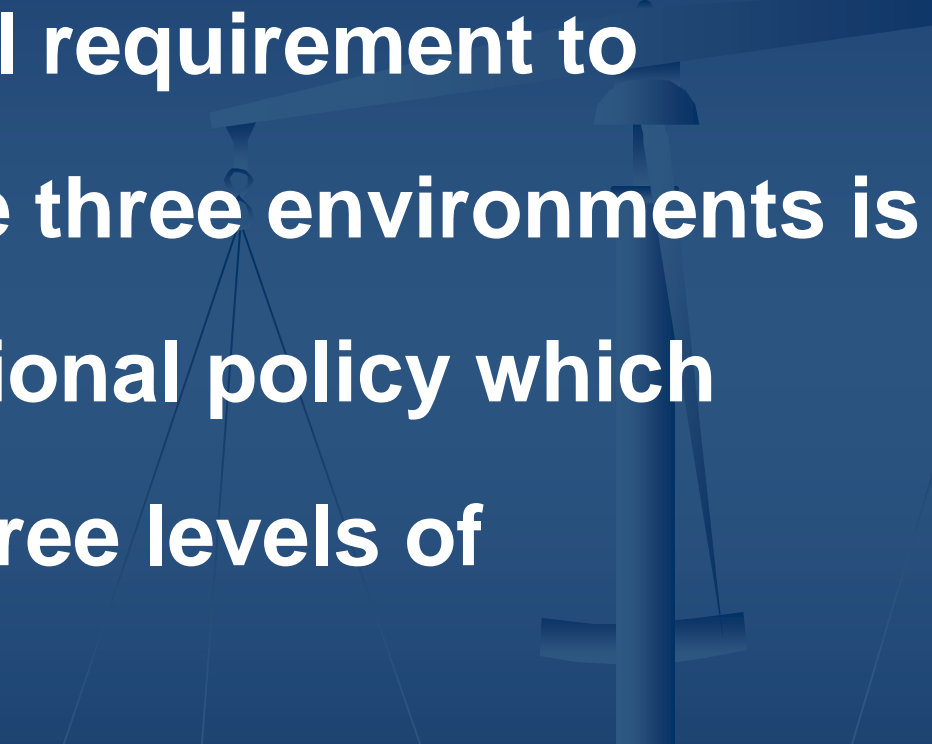




AVOIDING THE INTERACTION WITH RISK FACTORS

I. Crime and adolescents

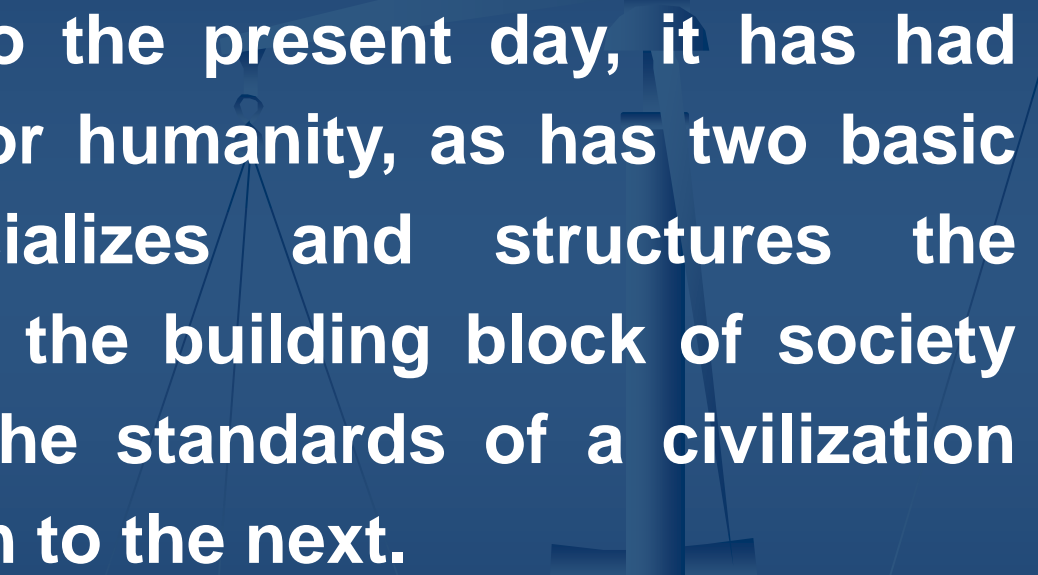
A fundamental requirement to influence these three environments is an interinstitutional policy which includes the three levels of government.



I. Crime and adolescents

■ 1. FAMILY

From its origins to the present day, it has had great importance for humanity, as has two basic functions: it socializes and structures the individual and it is the building block of society which passes on the standards of a civilization from one generation to the next.

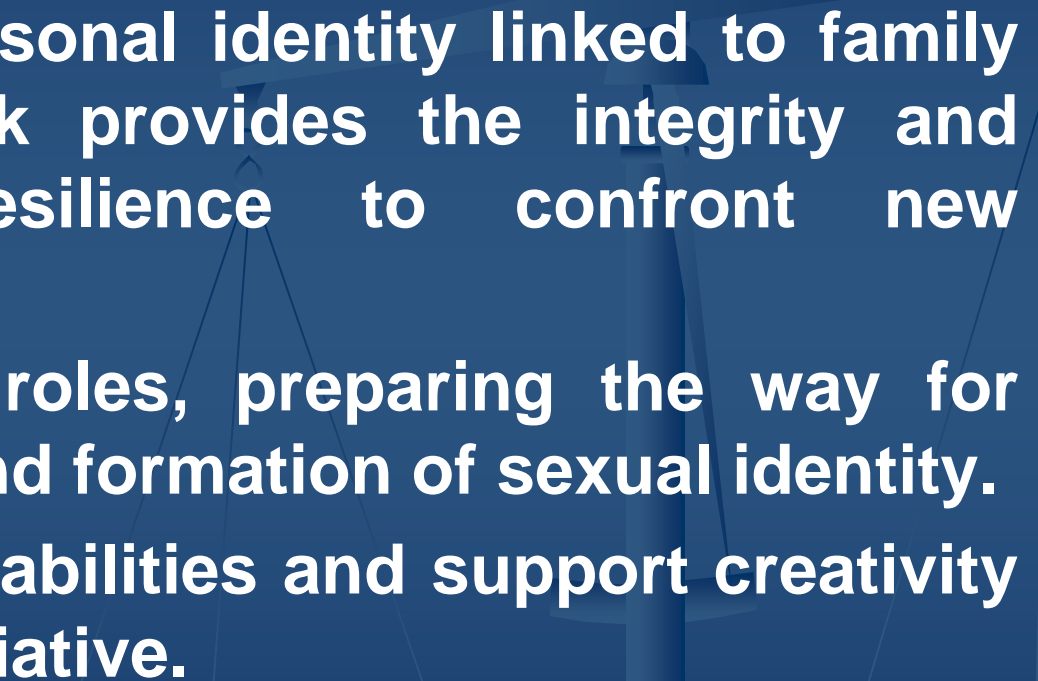


I. Crime and adolescents

The family needs to fulfill the following functions:

- A.** Provide food, shelter, and other material necessities to sustain life and provide protection against external dangers.
- B.** Encourage social relationships, a driving element of the affectionate bonds of family relations.

I. Crime and adolescents

- **C.** Help form personal identity linked to family identity. This link provides the integrity and psychological resilience to confront new experiences.
 - **D.** Mold sexual roles, preparing the way for sexual maturity and formation of sexual identity.
 - **E.** Train learning abilities and support creativity and individual initiative.
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RISK FACTORS IN FAMILY ENVIRONMENT

- **Family disfunction as a result of a lack of**

- **Love**

- **Solidarity**

- **Protection**

- **Security**

- **Guidance**

- **Communication**

- **Intrafamilial violence**

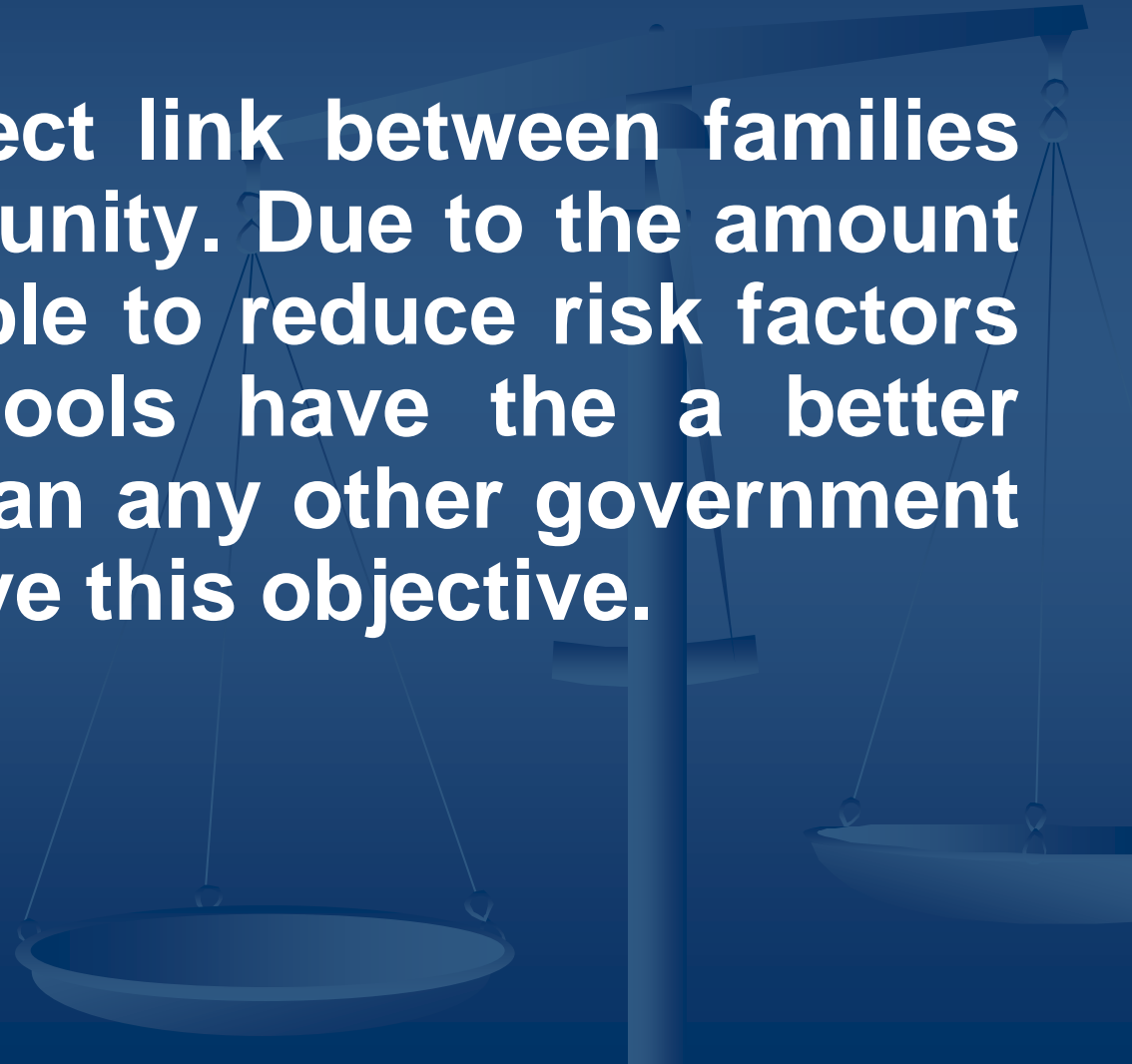
- **Mistreatment of minors generates more violence and crime**



I. Crime and adolescents

■ 2. SCHOOL

- The most direct link between families and the community. Due to the amount of time available to reduce risk factors of crime, schools have the a better opportunity than any other government effort to achieve this objective.



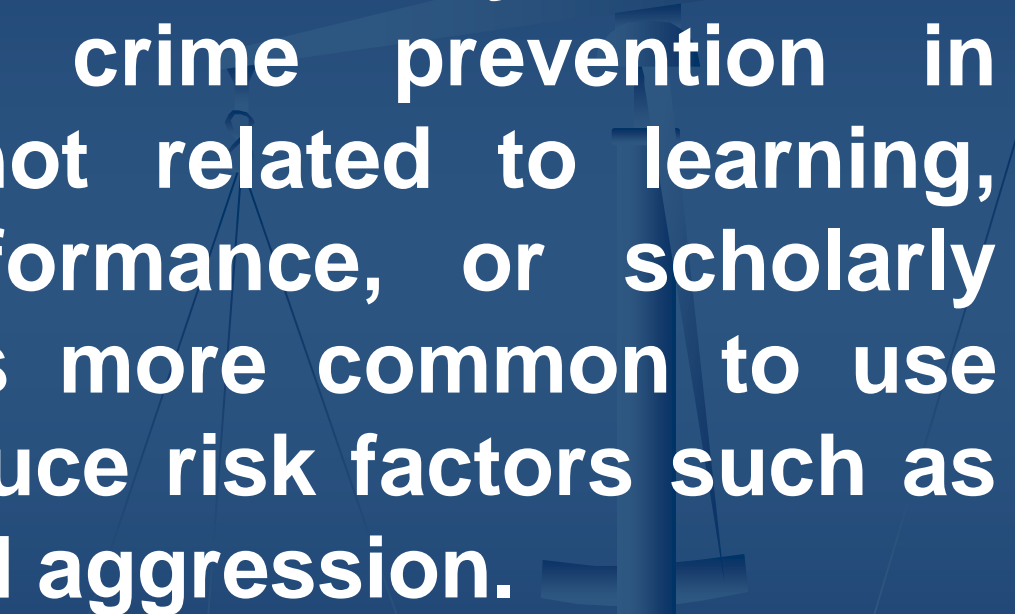
I. Crime and adolescents

However, too many schools are overwhelmed by the circumstances of the criminogenic communities damaged by the lack of educational support from parents and a breakdown of order in the classroom.

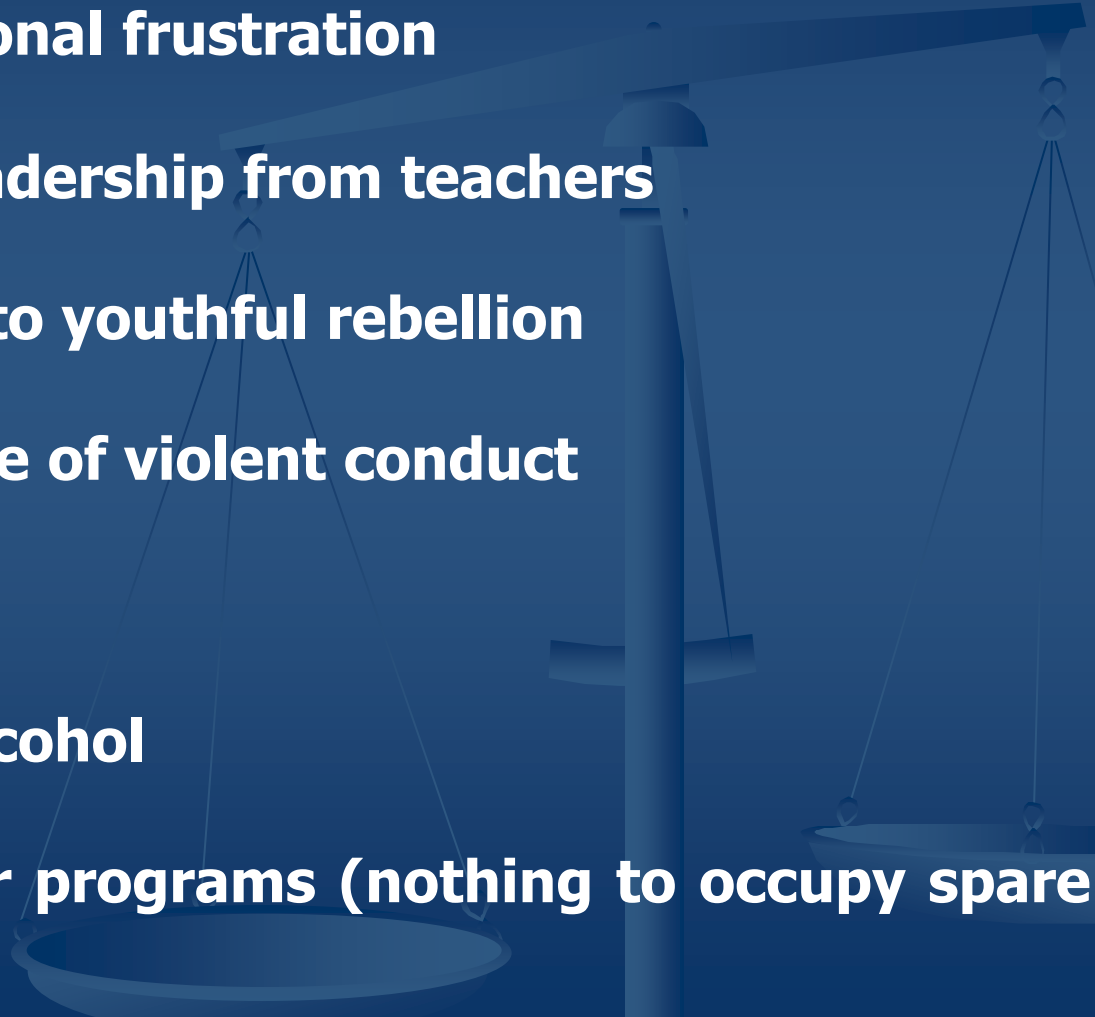
While some school are successful in teaching basic habits despite these challenges, the odds are stacked against them.

I. Crime and adolescents

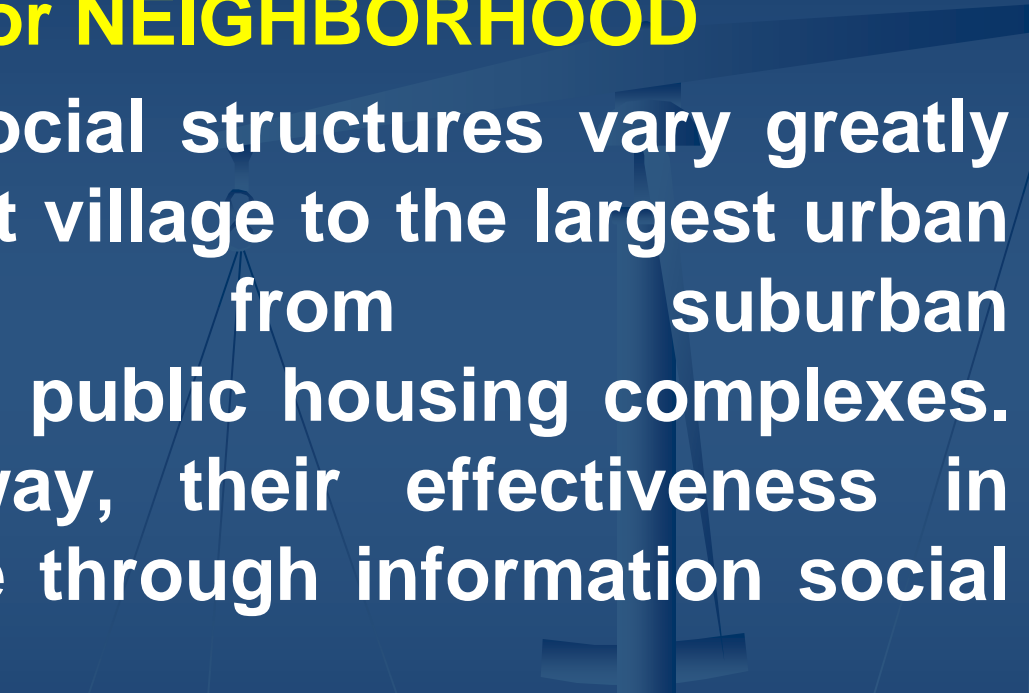
The most intensively studied programs for crime prevention in schools are not related to learning, academic performance, or scholarly success. It is more common to use schools to reduce risk factors such as drug abuse and aggression.



RISK FACTORS IN THE EDUCATIONAL ENVIRONMENT

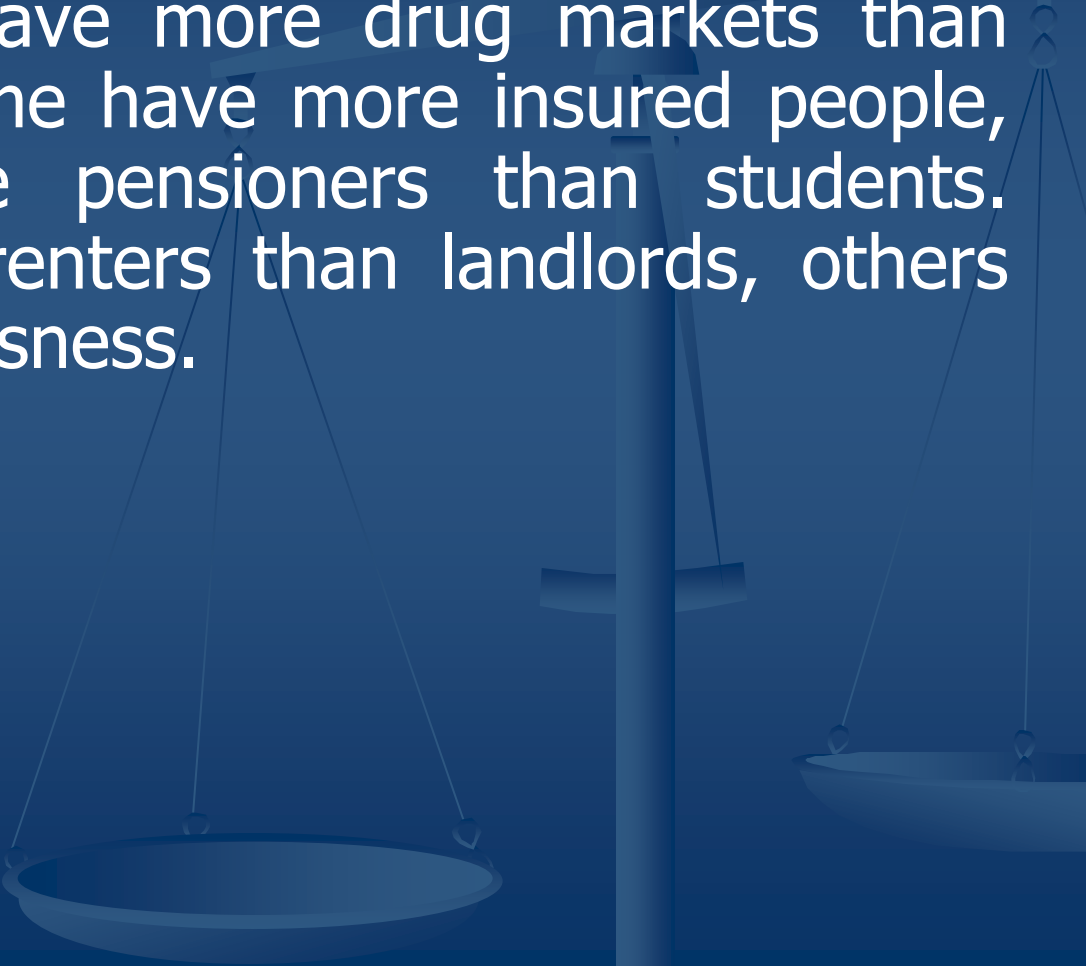
- **Dropping out, educational frustration**
 - **Absence of positive leadership from teachers**
 - **Repressive responses to youthful rebellion**
 - **Hegemony and prestige of violent conduct**
 - **Gang-related activity**
 - **Supply of drugs and alcohol**
 - **Lack of extracurricular programs (nothing to occupy spare time)**
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I. Crime and adolescents


- **3. COMMUNITY or NEIGHBORHOOD**
 - Physical and social structures vary greatly from the smallest village to the largest urban neighborhoods, from suburban developments to public housing complexes. In the same way, their effectiveness in preventing crime through informal social controls varies.
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I. Crime and adolescents

Some communities have more bars than churches, others have more drug markets than grocery stores. Some have more insured people, others have more pensioners than students. Some have more renters than landlords, others have more homelessness.



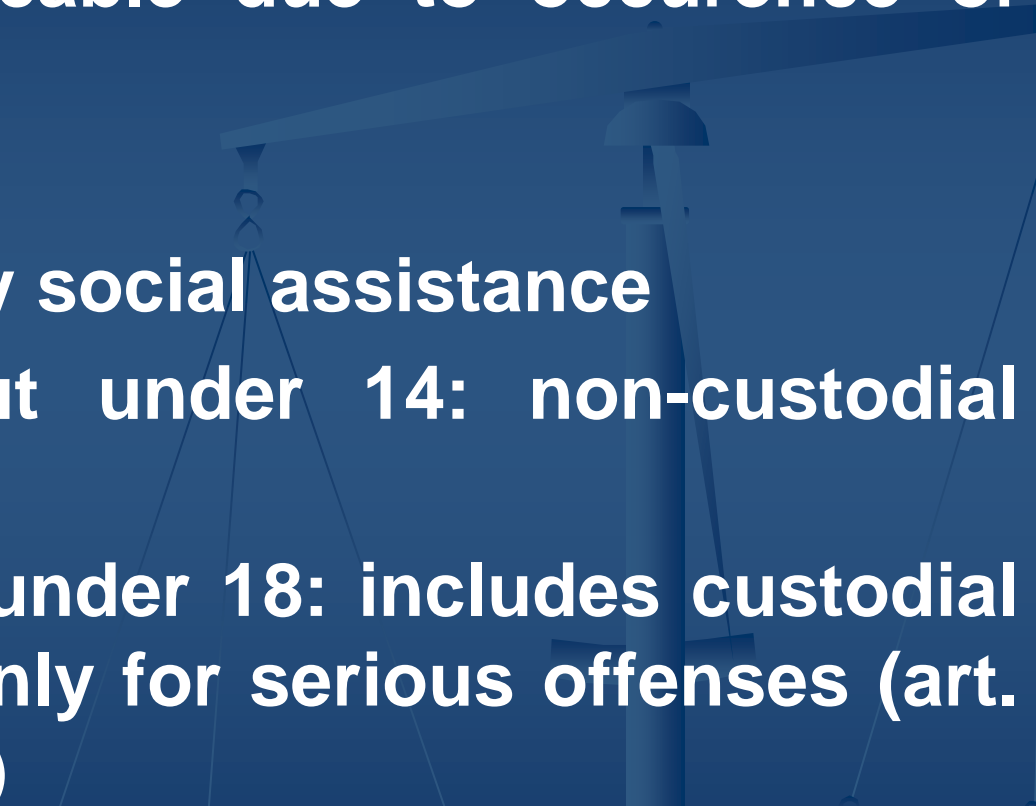
RISK FACTORS IN THE COMMUNITY

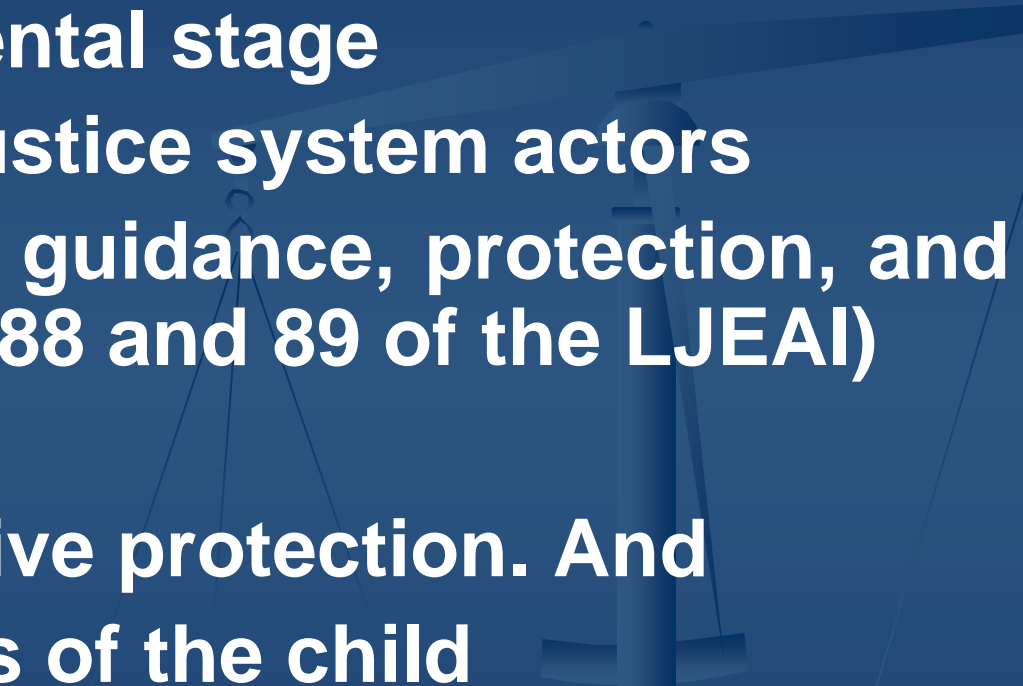
- **Deficient or no neighborhood solidarity (social cohesion)**
 - **Socio-economic inequality**
 - **Marginality**
 - **Unemployment**
 - **Addiction**
 - **Culture of violence**
 - **Insufficient cultural, artistic, athletic programs**
 - **Negative influence of the media**
 - **Inadequate urban infrastructure**
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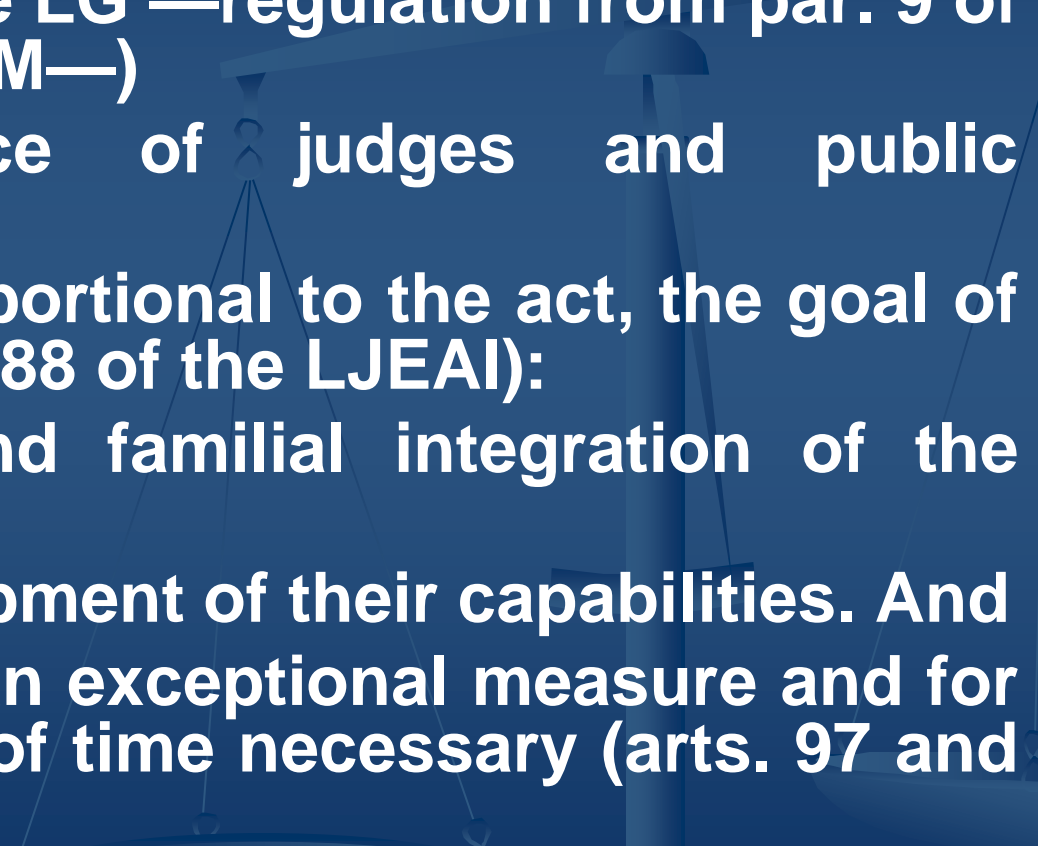
II. Constitutional framework

- The decree which first implemented a comprehensive and specialized justice system for adolescents in Mexico :
 - 1. Published in the “Diario Oficial de la Federación” (Official Gazette of the Federation) on December 12, 2005.
 - 2. With the exceptions which concerned the Federation, it became effective on March 12, 2006
 - 3. It gave the Federal District and the States a period of 6 months to fulfil its requirements.
 - 4. Chihuahua complied through a decree published in the “Periódico Oficial del Estado” (Official State Gazette) on September 16, 2006, effective: **A.** In the capital, July 1, 2007. And **B.** In the rest of the state, July 1, 2008

Characteristics of the system, in accordance with CPEUM

- **1. Comprehensive justice system**
 - **2. System applicable due to occurrence of criminal acts**
 - **3. Age groups:**
 - **A. Under 12: only social assistance**
 - **B. Over 12, but under 14: non-custodial sanctions**
 - **C. Over 14, but under 18: includes custodial measures, but only for serious offenses (art. 101 of the LJEAI)**
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- **4.** Guarantee of human rights in general and specific rights as individuals still in their developmental stage
 - **5.** Specialized justice system actors
 - **6.** Measures for guidance, protection, and treatment (arts. 88 and 89 of the LJEAI)
 - **7.** Goals:
 - **A.** Comprehensive protection. And
 - **B.** Best interests of the child

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- **8.** Alternative forms of justice (arts. 46, 47 and 50 of the LJEAI)
 - **9.** Guarantee of due process (arts. 13, fr. XVIII, and 82 to 88 of the LG —regulation from par. 9 of art. 4 of the CPEUM—)
 - **10.** Independence of judges and public prosecutors
 - **11.** Measures proportional to the act, the goal of which will be (art. 88 of the LJEAI):
 - **A.** The social and familial integration of the adolescent. And
 - **B.** The full development of their capabilities. And
 - **12.** Detention as an exceptional measure and for the least amount of time necessary (arts. 97 and 102 of the LJEAI)


Maximum length of custodial measures

Entity

| | | | |
|---------------------|-----------|-----------|----------------------------------|
| Aguascalientes | 0 | to | 15 years *20 homicide/kidnapping |
| Baja California | 0 | to | 15 years |
| Baja California Sur | 6 m | to | 5 years |
| Campeche | 0 | to | 7 years |
| Chiapas | 0 | to | 10 years |
| Coahuila | 1/3 min. | to | 15 years |
| Colima | 1 | to | 10 years |
| Chihuahua | 6m | to | 15 years |
| Distrito Federal | 0 | to | 5 years |
| Durango | 0 | to | 10 years |
| Estado de México | 1 | to | 5 years |
| Guanajuato | 1 | to | 7 years |
| Guerrero | 0 | to | 5 years |
| Hidalgo | 0 | to | 7 years |
| Jalisco | 1 | to | 7 years |
| Morelos | 0 | to | 5 years |
| Michoacán | 6m | to | 10 years |
| Nayarit | | | |

They cannot exceed the minimum limit of the corresponding sanction set in the Criminal Code and cannot be lower than half of this limit. Homicide 20 years.

Entity



| | | | |
|------------------------|-----------|-----------|-----------------|
| Nuevo León | 0 | to | 10 years |
| Oaxaca | 0 | to | 12 years |
| Puebla | 0 | to | 7 years |
| Querétaro | 3m | to | 7 years |
| Quintana Roo | 0 | to | 10 years |
| San Luis Potosí | 6m | to | 18 years |
| Sinaloa | 0 | to | 7 years |
| Sonora | 0 | to | 7 years |
| Tabasco | 3m | to | 8 years |
| Tamaulipas | 0 | to | 8 years |
| Tlaxcala | 0 | to | 7 years |
| Veracruz | 0 | to | 7 years |
| Yucatán | 1 | to | 15 years |
| Zacatecas | 2m | to | 5 years |

CPEUM

- Decisive constitutional reforms in adolescent justice:
- 2005, article 18
- 2008, article 20
- 2011, human rights




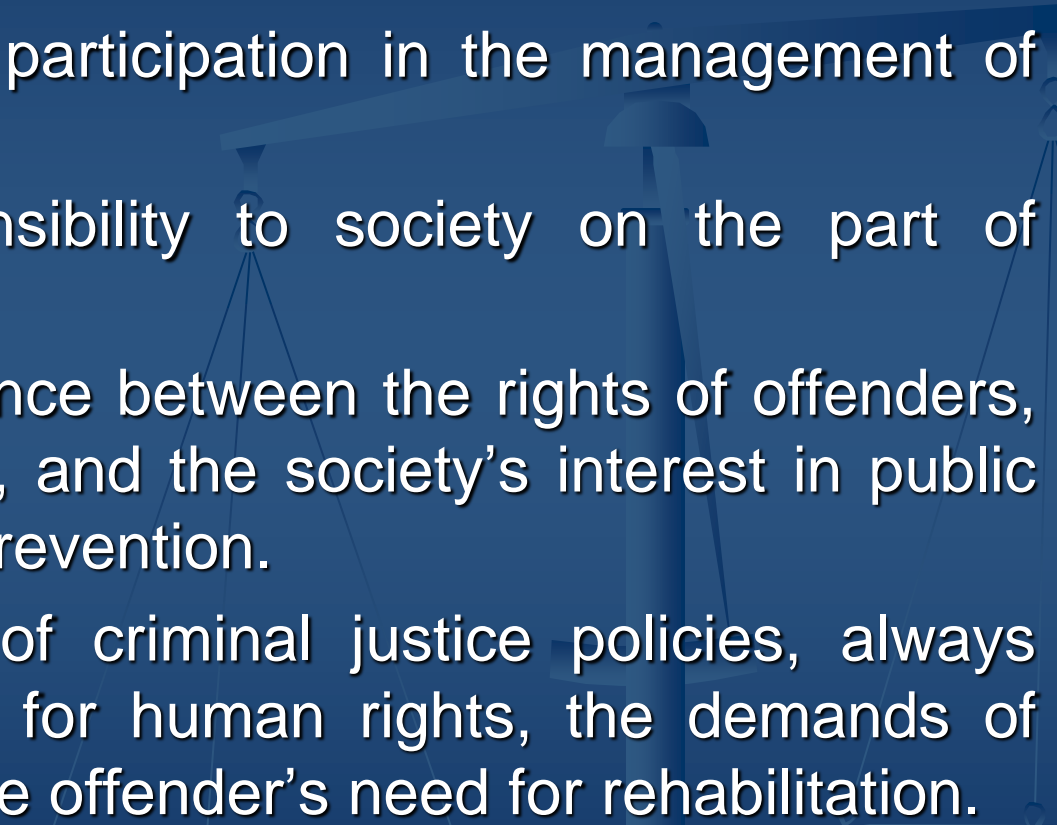
The system's central constitutional concepts

- Systemic and comprehensive character
- Fundamental rights
- Specialization
- Alternative justice
- Detention as an exceptional measure and for the least amount of time necessary
- Social and familial reintegration



III. International Regulations

- 1. Declaration on the Rights of the Child (1924)
 - 2. Declaration of Geneva (1946)
 - 3. Declaration of Caracas (1948)
 - 4. Declaration of the Rights of the Child (1959)
 - 5. United Nations Standard Minimum Rules for the Administration of Juvenile Justice or “the Beijing Rules” (1985)
 - 6. United Nations Guidelines for the Prevention of Juvenile Delinquency or “Riyadh Guidelines” (1990)
 - 7. United Nations Rules for the Protection of Juveniles Deprived of their Liberty (1990)
 - 8. Convention on the Rights of the Child (1989) *18 years
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- The following must be promoted in accordance with the **United Nations Standard Minimum Rules for Non-custodial Measures (the Tokyo Rules)**:
 - The application of non-custodial measures.
 - Greater community participation in the management of criminal justice.
 - A sense of responsibility to society on the part of offenders.
 - An appropriate balance between the rights of offenders, the rights of victims, and the society's interest in public security and crime prevention.
 - The rationalization of criminal justice policies, always considering respect for human rights, the demands of social justice, and the offender's need for rehabilitation.

Juridical framework for protection of the rights of children and adolescents in Mexico

Art. 1 of the CPEUM

Art. 4 of the CPEUM

Art. 18 of the CPEUM

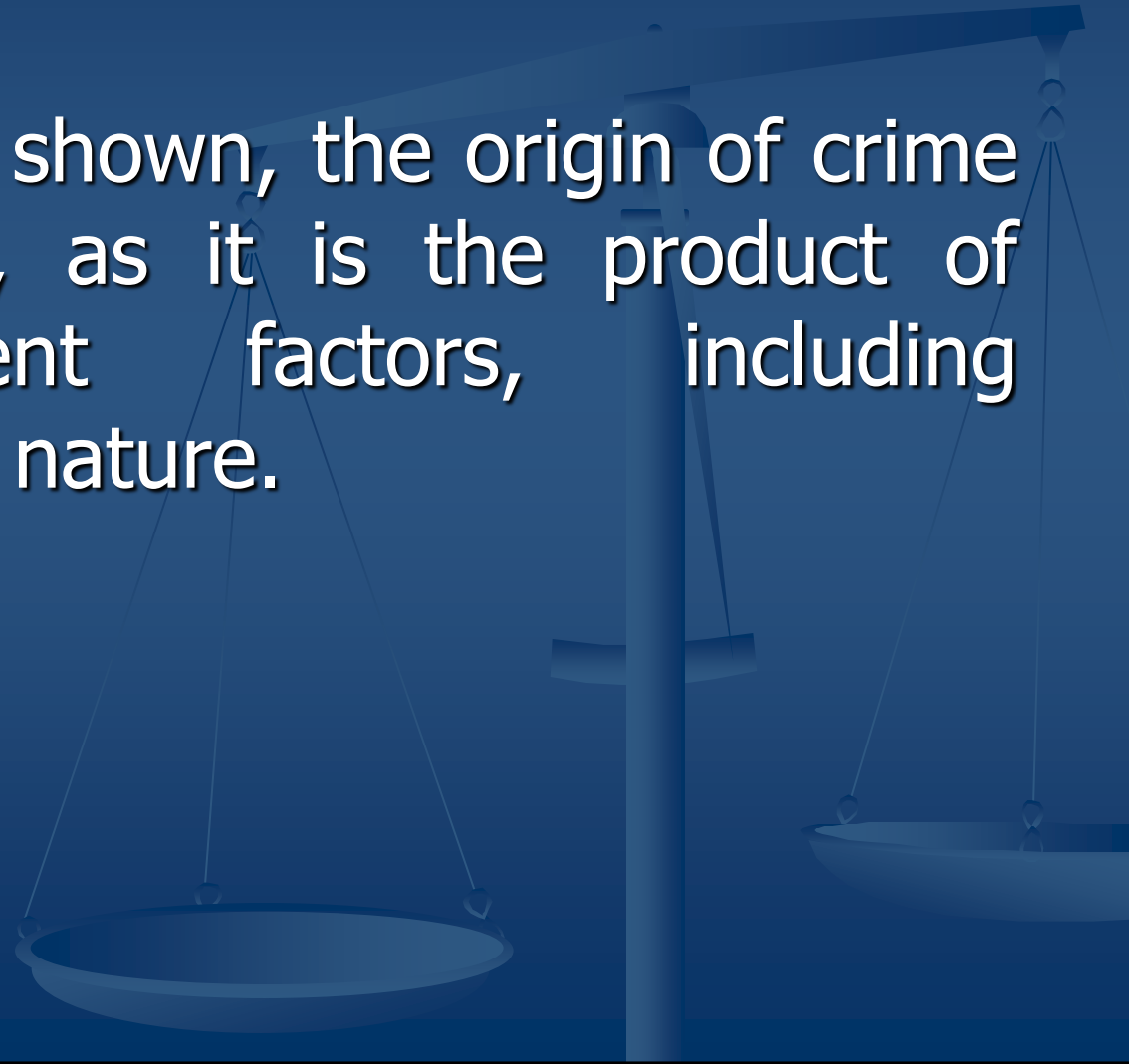
International regulations regarding the Rights of the Child

General law on the rights of children and adolescents

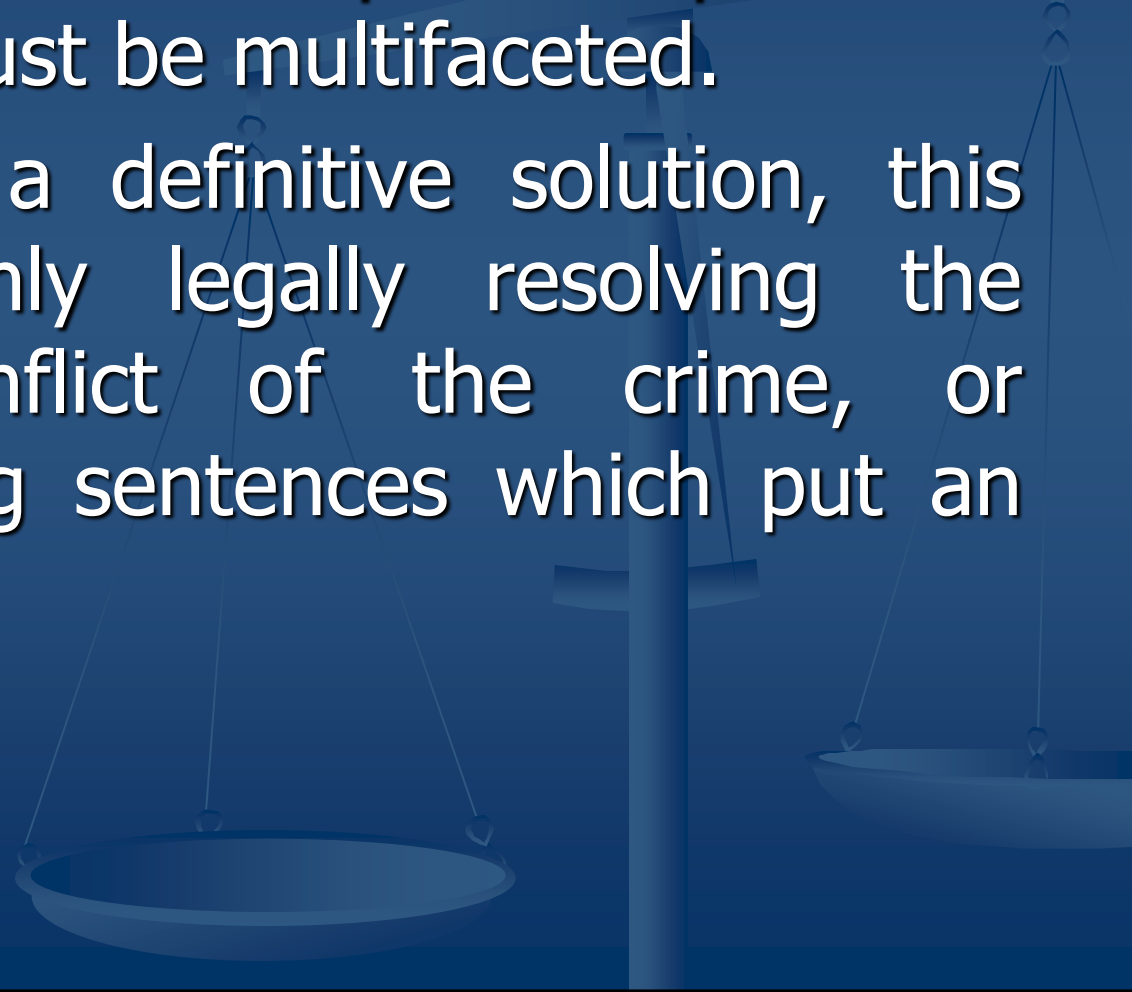
LJEAI y and Law on the rights of children and adolescents in federal entities

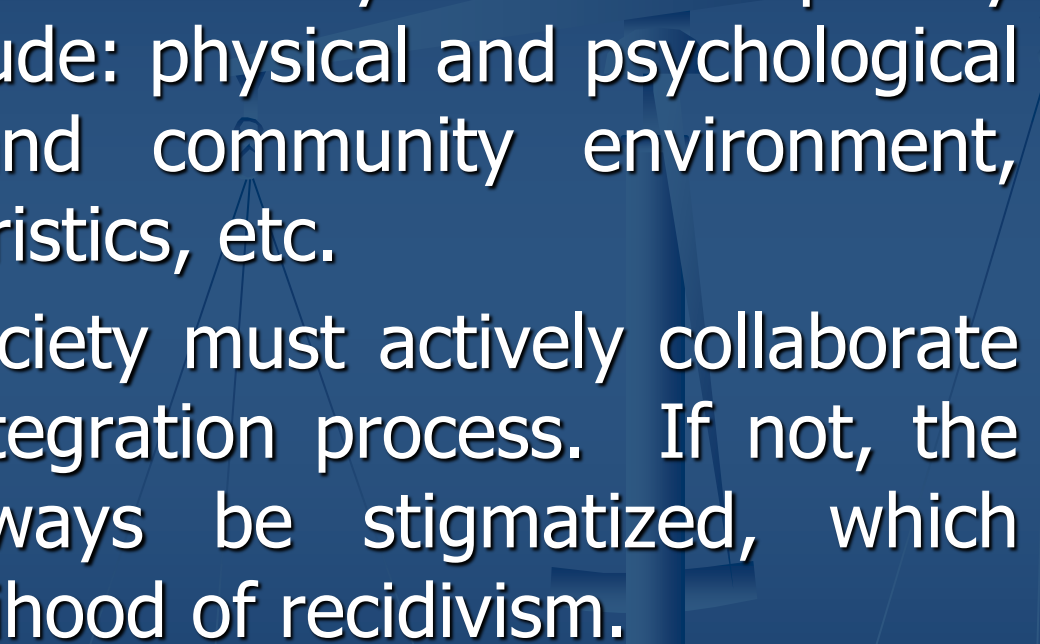
The triad of responses: judicial, health, and social reintegration:

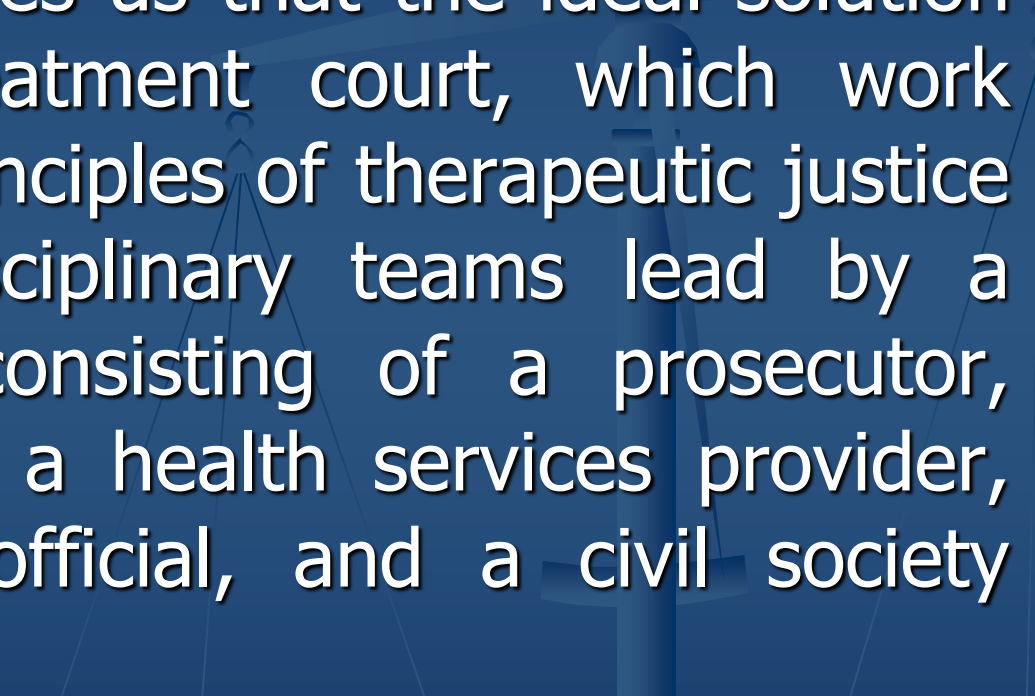
- As has been shown, the origin of crime is multifaceted, as it is the product of many different factors, including biopsychosocial nature.



- It follows that an adequate response to this problem must be multifaceted.
- If we want a definitive solution, this means not only legally resolving the underlying conflict of the crime, or similarly, giving sentences which put an end to a trial.



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- In order for the response to juvenile crime to be more effective, it is crucial that the particular circumstances of the adolescent offender are considered and addressed by a multidisciplinary team. These include: physical and psychological health, family and community environment, personal characteristics, etc.
 - Moreover, civil society must actively collaborate in the social reintegration process. If not, the offender will always be stigmatized, which increases the likelihood of recidivism.

- With regard to adolescents who have committed an offense due to their abuse of or addiction to psychoactive substances, experience teaches us that the ideal solution is the drug treatment court, which work based on the principles of therapeutic justice through multidisciplinary teams lead by a judge and in consisting of a prosecutor, public defender, a health services provider, public security official, and a civil society representative.
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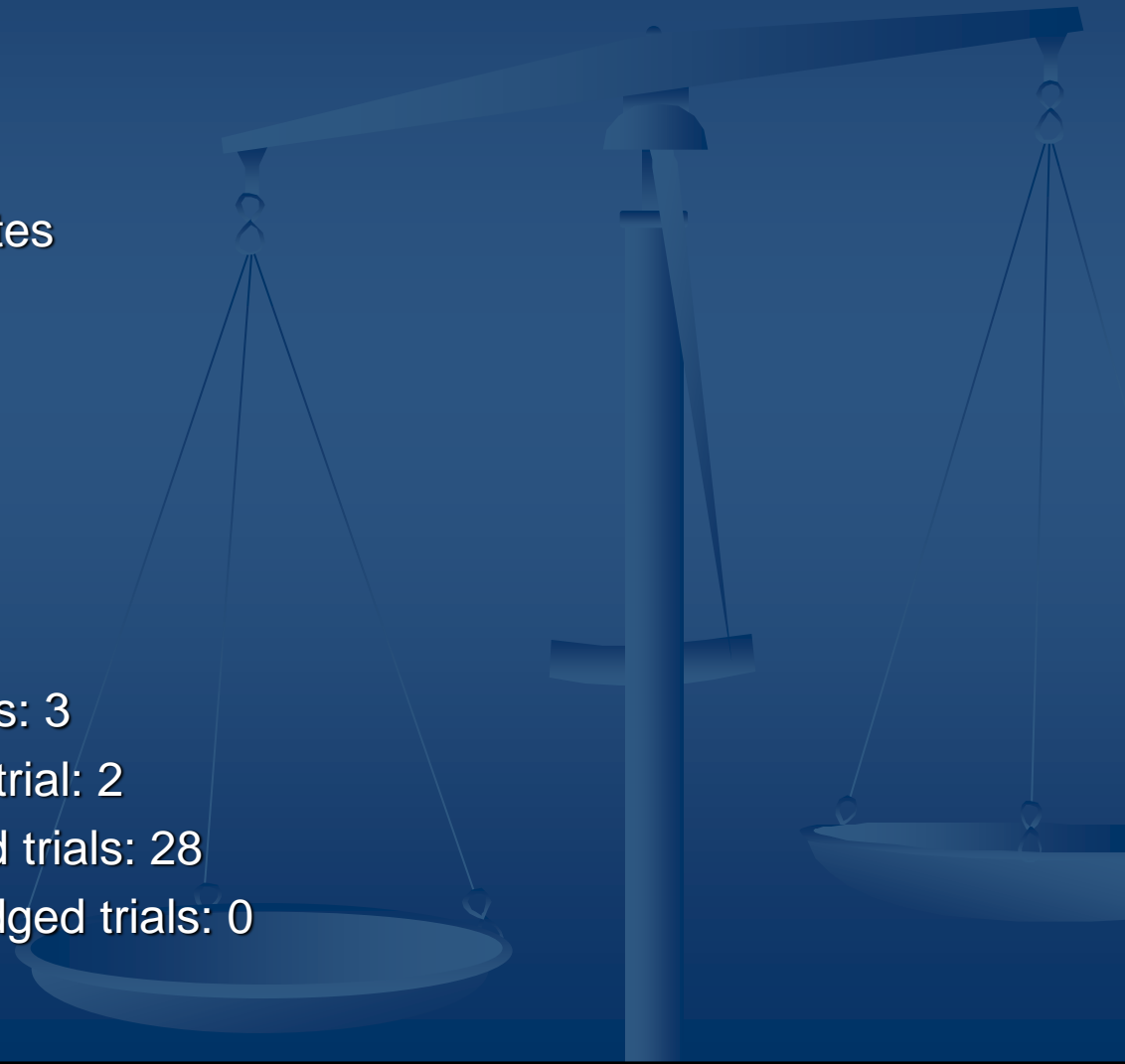
VII. Statistics (Morelos- 2014)

- Oral trials settled: 13
- Total cases: 325
- Total convictions: 409
- Men: 360
- Women: 49
- Hearings: 2087
- Average length: 30.84 minutes
- Rejection of detention: 12
- Sent to trial: 199
- Not sent to trial: 16
- Preventative detention: 75
- Probation: 85
- Restorative agreements: 72
- Guilty sentences in oral trials: 22
- Not guilty sentences in oral trial: 2
- Guilty sentences in abridged trials: 85
- Not guilty sentences in abridged trials: 2



VII. Statistics (Morelos- 2015)

- Oral trials settled: 4
- Total cases: 147
- Total convictions: 180
- Men: 162
- Women: 8
- Hearings: 1019
- Average length: 27.64 minutes
- Rejection of detention: 8
- Sent to trial: 121
- Not sent to trial: 5
- Preventative detention : 26
- Probation: 57
- Restorative agreements: 33
- Guilty sentences in oral trials: 3
- Not guilty sentences in oral trial: 2
- Guilty sentences in abridged trials: 28
- Not guilty sentences in abridged trials: 0



VII. Statistics (Morelos- 2015)

- Crimes per month:
- Jan. 26; Feb. 36; Mar. 31; Apr. 18; May 46; Jun. 33; Jul. 0
- Total crimes: 190
- Most frequent:
- Aggravated robbery: 76
- Against public health: 27
- Damages (fraud): 11
- Robbery: 10
- Damages (impr.): 9
- Homicide: 7
- Injury: 7
- Aggravated violence: 6
- Sexual abuse: 5
- Domestic violence: 5



■ Questions

